

**United States District Court**

**for the**

**Eastern District of New York**

**Report on Offender Under Supervision**

Case Number: 11-CR-118

Name of Offender: **Chidiebere Onwuchekwa**

Name of Sentencing Judicial Officer: Hon. Allyn R. Ross, U.S. District Judge

Date of Original Sentence: March 01, 2011

Original Offense: Visa Fraud, 18 USC 1546 (a) - a class C felony

Original Sentence: Time Served, 3 years supervised release, and a \$100 special assessment fee. A special condition was imposed requiring the offender to refrain from re-entering the United States if deported.

Type of Supervision: TSR

Date Supervision Commenced: 03/01/11

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**NON-COMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

**Violation Number   Nature of Non-Compliance**

**1      Failure to Report to the Probation Department Within 72 Hours of Release**

**U.S. Probation Officer Action:**

When Your Honor sentenced the offender to a time served period of imprisonment, the offender was released from the custody of the Bureau of Prisons and transferred to the custody of Immigration and Customs Enforcement (ICE.) As he was not in custody relating to a new criminal conviction, the offender was eligible to receive credit towards his three year supervised release term as of March 1, 2011, the date of his release to ICE.

Recently the Probation Department was made aware that the offender had actually been released from ICE custody on November 7, 2011 and has been granted asylum status in the U.S. As he failed to report to Probation upon his release from ICE custody, an effort was made to locate him. With the assistance of ICE and the offender's immigration and criminal attorneys, the probation officer was able to establish telephone contact with the offender. Both he and his immigration attorney advised that they were unaware that the offender had been placed on supervised release and denied knowing that he was supposed to report to Probation upon his release from ICE custody.

The offender is currently residing in Houston, Texas. On December 4, 2012, he was contacted via telephone and directed to report to the U.S. Probation Department in the Southern District of Texas on the following day. The offender complied with this directive and he was made aware that he has to comply with the conditions of supervised release for

the remaining 15 months of his supervision term. Although the offender failed to report to the Probation Department as required when he was initially released from ICE custody last year, there is no indication that his failure to report was an intentional act of deception. Rather, it appears to be a break down in communication between ICE, the Probation Department and the offender. At this time, we are merely notifying the Court of this matter and are respectfully requesting that no punitive action be taken in regards to the offender's failure to report upon his release from ICE custody

Respectfully submitted,

by Kelly Devine

Kelly Devine  
Sr. U.S. Probation Officer  
Date: December 10, 2012

Approved:

Kathleen Kearns

Kathleen Kearns, SUSPO

Please indicate the Court's response below and return to the U.S. Probation Officer

**THE COURT ORDERS:**

- ☒ Take no Action
- ☐ Submit a Request for Modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other

/s/(ARR)

12 / 11 / 12  
Signature of Judicial Officer  
Date